

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on **August 4, 2005**.

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman
Leg. Allan Binder
Leg. David Bishop
Leg. Vivian Vilorio•Fisher
Leg. John M. Kennedy, Jr.

ALSO IN ATTENDANCE:

Leg. Vilorio•Fisher, Fifth District
Leg. Peter O'Leary, Third District
Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielinski, Department of Real Estate
Janet Longo, Department of Real Estate
Lauretta Fischer, Department of Planning
Kevin LaValle, Aide to Leg. Losquadro
Maria Ammirati, Aide to Leg. O'Leary
Charles Bender, PO Aide
Adrienne Esposito, CEQ

Michael Kaufman, CEQ
John M. Wagner, candidate for CEQ
John Potente, candidate for CEQ
Gail M. Lolis, Deputy County Attorney
Michael E. White, League of Conservative Voters
Michael Mule, Planning Department
Fred Koelbel
Tom Hroncich, Department of Parks
Alpa Pandya, Nature Conservancy
Chad Tovsnovec
Alex Chmielewski
Tricia Scala
Lenore Baake

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING CONVENED AT 2:13 PM)

CHAIRMAN LOSQUADRO:

Good afternoon. I call the meeting of Environment, Planning and Agriculture to order. Begin with the Pledge of allegiance led by Legislator Binder.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Thank you. We have two cards. We'll begin the public session. First card is Alpa Pandya.

MS. PANDYA:

Good morning.

CHAIRMAN LOSQUADRO:

Good afternoon. Afternoon.

MS. PANDYA:

Afternoon. Afternoon. Can't get anything by you guys. My name is Alpa Pandya. I'm here to represent the Nature Conservancy who's mission is to protect our lands and water. And I'm also representing the Long Island Weed Management area, a voluntary association of public and private land managers working together to prevent the spread of invasive species on Long Island.

I'm here today to ask you to pass IR 1727 as a step towards stopping people from dumping their aquarium plants, many of which are aquatic invasives into our water ways. These aquatic invasives take root and spread overrunning the rivers, lakes and streams we love ultimately rendering them unfit for human use. People on Yaphank Lake can no longer boat, fish or swim in their lake.

Anti•dumping legislation is a step towards addressing the serious aquatic invasive problem Suffolk County is facing. It draws attention to and thus educates the public about this problem to stop people from doing it. But Yaphank Lake is the immediate problem in need. It's a taste of things to come unless we start planning for it and acting on it now. We need to get in front of this issue before it becomes a problem to be realistic about what is coming and proactive about preventing the problem and finding solutions.

I urge the County to put together a task force which would layout a coherent long•term policy and strategies for the County. It costs more to abate the threat than it does to prevent it in the first place. And sometimes abatement is impossible. The invasive plant is too firmly rooted and too widespread.

The County needs a long•term plan and long•term strategies. New York State has a long•term plan so most of the scientific work and background information on the problem is already done. A County invasive's plan would compliment the state plan. It would also make it easier to get state cooperation and funding for County invasive's work.

Please piece IR1727 as a step toward stopping the spread of aquatic invasives in our waters. And please seriously consider creating a task force to address serious long-term challenges to prevent the introduction and spread of invasive plants.

Lastly I just want to take a minute to thank Legislator O'Leary •• Of course, Maria just left •• to thank Legislator O'Leary for his understanding of the urgency and the seriousness of this problem and looking for and providing concrete answers. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Next card Chad Trvsnovec.

MR. TRVSNOVEC:

Good afternoon. My name is Chad Tovsnovec. I am a resident of Yaphank. And I'm not sure if there's much more than I can add to what was just said other than from a resident's perspective as a lifelong resident of Yaphank. What I would like to portray •• and I know much has been said, you know, in the media, as I'm sure most of you know, it was in Newsday, channel 12 and also channel 4 covered this story •• to portray to any and all parties involved from the Town to the County to of course the State •• and also someone's here from the Wertheim National Wildlife Refuge, representing the federal government.

The urgency of this problem, I don't believe •• I'm certain •• this is not just a local problem, but potentially an ecological disaster. I really believe it. It's that significant. Mr. O'Leary, as you just walked in, I just want to thank you for your work regarding this problem.

I would invite any and all who need to see how bad this problem is to come down and stand on my dock or any of the other residents of Yaphank Lake and see firsthand how bad it is. I know it was in the paper and you saw you pictures. But for anybody to come down and take a look. I believe that we ware dangerously close to losing the entire river. I believe that fish are going to start to die soon as well as all other aquatic species from the turtles and everything else.

I have a pair of ospreys that are nested near my house. And I believe that once the fish are gone, the ospreys are going to leave. The herons are going to leave, the turtles are going to die off. And I believe that the entire ecological system regarding this river is going to die. And I think it's going to happen a lot sooner than people realize. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Next speaker my Michael White.

MR. WHITE:

Good afternoon. My name is Michael White. I'm the Chair of the Long Island Chapter ••

CHAIRMAN LOSQUADRO:

Your microphone is too low. You may want to ••

MR. WHITE:

My name is Michael White. I'm the Chair of the Long Island Chapter of the New York League Conservation voters.

Two items today, Mr. Chairperson and members of the Committee. First speaking on what was recently addressed here in resolution number public hearing 1727, certainly support the legislature's action on this. This is a very serious problem. And I know you're very well aware of it. And it's an important initiative.

The other item that I would like to speak about is what's on as a introductory resolution 1733 •05. We are very much in support of reappointing Adrienne Esposito to the Council of Environmental Quality. Adrienne is an outstanding environmentalist. We have worked together on many, many issues in this County as I know the Legislature has. And there's just simply no reason why Adrienne should not be reappointed. And I would urge your action on this to bring her back and reappointment to the Board so she can continue the good work that she has been doing on the Council of Environmental Quality. Thank you very much.

CHAIRMAN LOSQUADRO:

Thank you. We do have a presentation scheduled, but if Ms. Fischer wouldn't mind waiting a moment, we do have a request from one of the Legislators who's going to need to leave early, to take the CEQ appointments in total out of order. So, that would be resolutions •• hold on just a moment •• 1724, 1733, 1734, 1629 and 1719 out of order. I'll make that motion. Do I have a second?

LEG. BINDER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Binder.

LEG. BINDER:

Can I add to that also 1725.

CHAIRMAN LOSQUADRO:

Let's start with these. Second by Legislator Binder. All those in favor? Opposed? 1629 ••
Yes. So those five, Madam Clerk, that are listed. All those in favor? Opposed? Those five bills
are now before us. **(Resolutions IR 1629, 1719, 1724, 1733 and 1734 taken out of
order. Vote: 6•0)**

I would ask that each of the candidates come forward, make a brief presentation. We'll ask any
questions. After all the candidates have come before us, we will take these bills and vote on
them.

So, the first one before us will be **1629 (appointing member to the Council on
Environmental Quality Mary Ann Spencer)** That is Mary Ann Spencer. Is she here?

LEG. VILORIA•FISHER:

Actually, Mr. Chair.

CHAIRMAN LOSQUADRO:

Yes.

LEG. VILORIA•FISHER:

As the sponsor of that resolution, I am going to make a motion to table it because I thought it
was an open seat. And the person who currently holds the seat, although the term had
expired, doesn't want to discontinue holding it. So, until I clarify that to my satisfaction, I'm
going to table this.

LEG. BINDER:

Second.

CHAIRMAN LOSQUADRO:

Like I said, I'll go through •• I'll call these first and ••

LEG. VILORIA • FISHER:

She has been here. She has come to a previous meeting.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Viloria • Fisher, second by Legislator Binder. All those in favor? Opposed? **1629 is tabled. (Vote: 5 • 0 • 0 • 1. Legislator Binder not present)**

Next before us will be John Matthew Wagner. **(IR 1719, appointing member of the Council Environmental Quality John Matthew Wagner)** Mr. Wagner, if you would please come forward, have a seat at the table, please. Thank you, sir. Just a brief explanation why you'd like to serve on the Council of Environmental Quality.

MR. WAGNER:

Well, I think I that I can add my expertise to the Council and its work. I am an attorney at law. I've been practicing since 1986 in Suffolk County primarily. I basically started my career on the east end of the Island and was exposed in that capacity to numerous land use issues, made numerous presentations before various municipal boards and all of these presentations have involved in one shape or other SEQRA issues. So, I have a more than a passing knowledge of SEQRA and it's various ins and outs.

I've also been involved in extensive litigation over the course of my career regarding SEQRA issues and SEQRA compliance issues specifically. I've represented private landowners in connection with their applications in reviewing both actions or inactions on pending applications for land use. I've also reviewed SEQRA compliance in connection with comprehensive plans of various towns. And also in connection with rezoning actions of various municipalities throughout Suffolk County.

I've also been involved in SEQRA issues outside of Suffolk County; in Nassau County and in Westchester Counties specifically. So I do have a very substantial working knowledge of SEQRA and its procedures and its requirements, substantive requirements as well. And I understand

what the mission of the CEQ is. I understand that it essentially serves as an advisory body to the Legislature in connection with any actions that the County may be considering. And it's absolutely vital in my experience that the mandates of SEQRA be followed in every case. It's for the best interest of the environment and it also serves to uphold the validity of whatever legislative actions are taken. I'll be pleased to answer any questions that you might have.

CHAIRMAN LOSQUADRO:

Thank you very much. That was very comprehensive. Any questions? Thank you. Very good. Thank you, sir. I appreciate it.

MR. WAGNER:

Good afternoon.

CHAIRMAN LOSQUADRO:

Next we have John •• is it Potente? Thanks, sir. If you'd come forward.

MR. POTENTE:

My name is John Potente. I was born on Long Island. I'm not going to tell you when. I went to Stony Brook University, graduated 1970. I started in 1970, graduated in 1974 with a Bachelor in Science and Biology and Chemistry. And then I went and got a Master's degree at Long Island University in medical biology. I studied virology, viruses and microbiology. And then I went on to get a dental degree in Washington University and am now a practicing dentist in the Twelfth Legislative District in Hauppauge.

As a health professional, actually I've had a dental practice in Hauppauge for 20 years right on the Bypass right down the road. And as a health professional, I've been sensitive to many of the environmental issues that have been going on in Suffolk County especially in and around this area, but Suffolk County as a whole. Many of the environmental issues encompass not just the loss of many of the sensitive land areas, but also the condition of the land that we're now using in Suffolk County. And one thing I've learned as a •• from my medical training is the best thing that you want to do if you want to protect the human body is to get in there and prevent any damage way ahead of time. And the further from the beginning that you can catch something going on, the much more chance you'll have at success of having •• maintaining a healthy organism.

And the same thing applies to the environment in Suffolk County. The sooner you have eyes on something, to detect something and forecast something going on later on in the future, the better off you'll be. And that's one of the reasons I would like to be on the CEQ. The CEQ is an entity for the legislative branch that is supposed to act to look to actually forecast what may happen down the road in terms of environmental impacts.

I have been involved in some environmental issues in local town boards, in Riverhead, Brookhaven, Islip, Smithtown; throughout Long Island. And so I am familiar with SEQRA as well. I've read Environmental Impact Statements, final Environmental Impact Statements, Environmental Assessments Forms. And I'm familiar with some of the issues that are involved in SEQRA. Again my attention is mostly towards the environment. And I stand before you ready to serve on the Council for Environmental Quality. Thank you.

CHAIRMAN LOSQUADRO:

I just want to say thank you. And it's been brought to my attention that you had approached the previous Legislator from your district regarding the very matter that was in discussion earlier about invasive plant species.

MR. POTENTE:

Yes.

CHAIRMAN LOSQUADRO:

So, obviously this is something that you've been keeping your eye on. Legislator Kennedy.

LEG. KENNEDY:

Thank you very much, Mr. Chair. And as a sponsor of Mr. Potente, that's some of the things that I guess I wanted to bring out in addition to what he shared. He's been very involved with my predecessor Legislator Crecca as well as myself and very involved in preservation issues particularly here in the Hauppauge area. But also as he pointed out, he's got an excellent knowledge of working with levels of government throughout the County. He's also published and has done exhaustive inventory on plant species, native plant species and volumes that describe various things. So, he brings, I think, an excellent background and perspective and points out that I think CEQ actually has a need to have a variety of different types of disciplines brought to it. Having served as the County Executive's liaison to that board for seven years

myself, I know I had the opportunity to see folks from many different backgrounds who's sat there •• planners, environmentalists, attorneys •• a whole wide range of different views that got brought to give the hard look to each project that needed to be done. And so that's why I was very comfortable supporting Mr. Potente.

CHAIRMAN LOSQUADRO:

Thank you very much. No further questions? Thank you, sir.

Next is Adrienne Esposito. Good afternoon.

MS. ESPOSITO:

Good afternoon. Good afternoon, Legislators. My name is Adrienne Esposito. I live in Patchogue, Long Island. And hopefully many of you know I've been involved in environmental protection issues for Long Island for two decades. And I think through that work and through that experience I have a lot to offer CEQ. Many of you also know I am currently a member of CEQ and I was appointed to that board three and a half years ago and have served actively on that board since that date.

I have areas of expertise and knowledge in the following subjects. The hydro geology of Long Island. My educational background and my work background causes me to need and have an extensive knowledge of the workings of the aquifer system, special groundwater protection areas and the numerous hydrological zones across Long Island in order to protect the quality and quantity of drinking water supply.

In addition, I have extensive knowledge and work dealing with estuary protection. I served on both the Long Island Sound Citizen Advisory Committee, which is charged with implementing the management and protection plan for that estuary as well as the South Shore Estuary Citizen Advisory Committee, which is charged with protecting the south shore estuary.

I also am on other County committees. I am very active in the committee which is charged with phasing out the use of pesticides on county•owned property. And I've been on that committee •• I don't really remember how long, but I think about five or six years now. And it's a very good committee and they've been very successful in eliminating the three most toxic classes of pesticides on county•owned property.

I also have extensive work dealing on the clean•up of the Brookhaven National Laboratory. I serve on the CAC for the federal oversight of that facility. It's the Brookhaven National Laboratory Citizen Advisory Committee. I've served on the Pine Barrens Review Commission when there used to be one here in Suffolk County for a number of years as well as other committees. And I'm not sure if you have my resume there but •• so I've served on local, county, state and federal committees dealing with environmental clean•up, environmental protection as well as public health protection.

I also served on the New York State Committee for the West Nile Virus Response Plan back in 1999 to 2001, which was charged with coming up with a plan on how best respond to West Nile Virus dealing with pesticide application.

So, I think it's a diverse background and one that I think brings an area of diversity of knowledge to the CEQ that I believe and hope is beneficial and works well for the County and serves the public well.

CHAIRMAN LOSQUADRO:

Thank you very much. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Good afternoon.

MS. ESPOSITO:

Good afternoon.

LEG. VILORIA•FISHER:

Thank you for being here. Is this mike on?

MS. ESPOSITO:

Yes.

LEG. VILORIA•FISHER:

Okay. When I have had occasion to attend CEQ meetings, I have always seen you there. I've seen the critical role that you play because of your background and your knowledge in providing

information and a very well-educated opinion to any of the issues that have gone on there.

MS. ESPOSITO:

Thank you.

LEG. VILORIA • FISHER:

So, I've been very proud to see you as a member of CEQ. And you provide an invaluable service. Thank you.

MS. ESPOSITO:

Thank you, Legislator Fisher.

LEG. VILORIA • FISHER:

I was surprised last month when I did see that there was going to be somebody else filling the position that you currently held. And I was concerned that you might be interested in leaving and so I'm pleased to see this legislation come forward.

You have been there every time I have attended CEQ meetings. But I would like to you ask what is your general attendance?

MS. ESPOSITO:

I would say my attendance record is probably about 80 or 85% attendance. Maybe one year there was two meetings I missed, but it's very good. And I do •• when I commit •• when I serve on a board, to me that's a commitment. You go, you work your schedule around going to those boards meetings. It's a very important thing. And we have struggled with a quorum on CEQ. And I know how important that is. You're going to get the work done, you need people to show up.

LEG. VILORIA • FISHER:

Okay. Mr. Chair, I'd like to make a note of the fact that we have a very expert and capable member of our CEQ who attends the meetings regularly, who provides a great deal of important input, who comes from a diverse environmental background and provides the knowledge that she has gleaned through the years through her commitment to the environment. We have someone like this currently sitting on our CEQ. And I don't see any reason to make a change. So I look forward to continuing to work with you, Adrienne, and thank you for the very valuable

service you provide to the people of Suffolk County.

MS. ESPOSITO:

Thank you.

CHAIRMAN LOSQUADRO:

So noted. Thank you, Adrienne.

MS. ESPOSITO:

Thank you.

CHAIRMAN LOSQUADRO:

Mr. Jeffrey Lee Snead. Mr. Snead, if you can come forward.

MR. SNEAD:

Good morning, members of the Committee. It's a pleasure to be here. CEQ's a valuable agency in the county government and performs a valuable assistance to the Legislature, I'm sure.

My background is as an attorney. I am an environmental attorney. That's how I started out and that's primarily what my practice is today. But I am also a municipal attorney. I currently serve as the village attorney for the Village of Patchogue. I'm special Counsel to the Town of Brookhaven primarily dealing with zoning and land use matters, but as well as with SEQRA issues when the town gets •• when it has Article 78's against it or other actions.

My educational background is as a biologist. I have forty credit hours of master's study in the field of hydrology. And while in law school I clerked with the Environmental Protection Agency, the Super Fund section in Region Three and worked with corporate section of the Reynolds Metals Company in the environmental division.

I'm well versed in both federal and state requirements for environmental laws. In particular with regard to SEQRA, which is the main point here, my first case was actually to sue the Corp of Engineers on the National Environmental Policy Act, which is SEQRA's Godparent. And it's an interesting area. I've been doing SEQRA litigation my entire career. And in my position as

Village of Patchogue attorney, it's my responsibility to make sure that all SEQRA compliance is handled. And I do the coordination with any consultants that may be required.

You have a number of good candidates here. I think I'd be a positive •• positive influence and a positive benefit to the board and hopefully to the Legislature. And if there are any questions you may have, I'd be happy to chat.

CHAIRMAN LOSQUADRO:

Are there any questions for Mr. Snead? Hearing none, thank you very much. I appreciate it.

MR. SNEAD:

Thank you. Pleasure to be here.

CHAIRMAN LOSQUADRO:

Okay. 1629 was already addressed. That motion was tabled.

1719 is before us. Appointing member of the Council on Environmental Quality, John Matthew Wagner. Motion by Legislator Binder, seconded by Legislator Kennedy.

LEG. VILORIA•FISHER:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

1719 •• no, I don't think this one is working. It's not picking up my voice. Is that better? Okay, sorry about that. I believe this is one of the appointments for a seat that is already held. This is the seat that is currently held by Adrienne Esposito. I think she has represented that she is interested in continuing in that seat. When we have volunteers who are working in a capacity where they are providing a service to Suffolk County residents on a voluntary basis, have shown a commitment to that, I really don't feel that we should slap people in the face and say, you know, your term has expired, you have no option to continue playing the role that you have voluntarily played for a number of years effectively and with great professionalism.

So I certainly would hope that we could table this and not put ourselves in this kind of position of insulting people who have been giving of their time and expertise for the people of Suffolk County.

CHAIRMAN LOSQUADRO:

If I may, I certainly hope that no one views this as a slap in the face. I think everyone is very appreciative of any efforts that are made by volunteers who serve on the many boards and task forces that we put together in this County. And I would hate to have people characterize it that way and have people misinterpreting it that way because it has been characterized in that fashion. These are not supreme court appointments. They're not lifetime appointments. And the Presiding Officer has seen fit to file a resolution because this term has expired to put someone new in. Certainly this is in no way a reflection on the good work that has been done by either the person who served in this seat or the people who served in the past on this Council. So your point is noted. I just •• I certainly hope it is not taken that way.

LEG. VILORIA • FISHER:

Well, I'm not applying this principle simply to the appointments that are suggested by other Legislators or members of another party. I tabled my own legislation when I came to realize that the person •• that the seat had not been vacated, that it was an expired position; but I want to give that person the opportunity to discuss his willingness to continue to serve because I do hold these people •• CEQ I believe of almost all of our task force or groups plays a very critical role. It plays a critical role in so much of the legislation that we have before us. These are people who worked very hard, were very committed and bring a great deal of knowledge and expertise to the floor. And I want to grant them every consideration and every sense of respect for the job that they have done. And that's why I tabled my own appointment for that respect.

CHAIRMAN LOSQUADRO:

And I thank you. That is your prerogative to table your resolution pending your decision as to whether or not that •• to see if that person wanted to continue. It is also the prerogative of others to put someone new on that Council. And as I said earlier, I certainly hope that no one feels that this is a •• should reflect poorly on those individuals whose have served, have served very well and have, you know, long standing tenure. But when terms come up, it is the prerogative of others to bring new people on board. So, I appreciate the sentiment.

LEG. VILORIA • FISHER:

I'll be voting no on the motion to approve.

CHAIRMAN LOSQUADRO:

We had a motion and a second. All those in favor? Opposed? List Legislator Viloría•Fisher as opposed. Motion is carried. **(IR 1719•05 approved. Vote: 4•1•0•1. Legislator Bishop not present. Legislator Viloría•Fisher opposed)**

1724, appointing member of the Council of Environmental Quality, John E. Potente.

LEG. KENNEDY:

I make a motion to approve.

CHAIRMAN LOSQUADRO:

Motion by Legislator Kennedy, seconded by myself. On the motion.

LEG. VILORIA • FISHER:

On the motion.

CHAIRMAN LOSQUADRO:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

I'd like to ask Mr. Bagg if there was a letter of resignation from Nancy Manfredonia.

MR. BAGG:

Yes, there was.

CHAIRMAN LOSQUADRO:

Mr. Bagg, Ms. Manfredonia formally resigned. Yes, she did.

LEG. VILORIA • FISHER:

Okay. And I have seen Mr. Potente come before this Legislature on issues of environmental

concern so I will vote to approve.

CHAIRMAN LOSQUADRO:

Very well. All those in favor? Opposed? **1724 is approved. (Vote: 5•0•0•1. Legislator Bishop not present)**

1733, reappointing member of the Council of Environmental Quality (Adrienne Esposito) This is the seat that was held by Adrienne Esposito by the approval of 1719. That seat is no longer open for reappointment. I wish to take this opportunity to publicly thank Ms. Esposito for all the good work she's done for the environment, the work that I know she will continue to do as such a strong advocate for the environment. I've enjoyed working with her on many issues. I know I will continue to work with her on many issues of importance in my district and county wide. Counsel, is this preempted?

MS. KNAPP:

Because the full Legislature hasn't acted on 1719, I would suggest that this be tabled in light of the Committee's approval of a competing resolution until such time as the full Legislature votes.

LEG. VILORIA•FISHER:

I'll make that motion, Mr. Chair.

CHAIRMAN LOSQUADRO:

We have a motion to table by Legislator •• we also have a cell phone ring by Legislator Vilorina •Fisher. We have a motion to table by Legislator Vilorina•Fisher. Is there a second? Hearing no second, motion fails for lack of a second.

Finally **1734, appointing member of the Council of Environmental Quality, Jeffrey Lee Sneed.** Motion by Legislator Binder, seconded by Legislator Kennedy. All those in favor?

LEG. VILORIA•FISHER:

Opposed.

CHAIRMAN LOSQUADRO:

Opposed Legislator Vilorio•Fisher. **1734 is approved. (Vote: 4•1•0•1. Legislator Bishop not present. Legislator Vilorio•Fisher opposed)**

Okay. Now I do have to apologize for earlier. I called a couple of people out of order that were supposed to be for a public hearing. That was my mistake. The cards were lumped together. We do have a second card under the public portion. That is for •• I apologize if it's Scala or Scola. Tricia Scola and Lenore Baake, if you would like to come up, please, we'll return to public portion. You are taking your time together, I suppose? That's fine. I'll remind you that you do have a three minute limit, but being it's time two of you, we'll •• just try to keep it to three minutes. Very well. Good afternoon. Just state your names for the record.

MS. SCOLA:

My name is Tricia Scola.

MS. BAAKE:

Lenore Baake from the Lake Ronkonkoma Civic Organization.

MS. SCOLA:

We're board members of the Civic. And basically we were here •• we're also members of the Three Towns Task Force for the revitalization of Lake Ronkonkoma. We're here to speak on the tabled subject or the resolution 1430•05 which is under the tabled subject areas. We're just here to ask the Legislature to consider reenacting the authorization of the Intermunicipal Agreement for the Creation of the Lake Ronkonkoma Management Advisory Commission. We are aware that it does need to be tweaked currently right now.

The Three Towns Task Force has a large group of people that are involved. And we have state officials, local officials, county officials all sitting on it as well as civic members, volunteer members, community members. We understand that the County's resolution would have sort of a limit. We would like it to kind of include the kind of people that we have currently sitting on the Three Towns Tax Force. But we would like the County to reenact the Management Advisory Council so that we can get an intermunicipal agreement through all three towns that currently border Lake Ronkonkoma and to just, you know, bring this up to par and bring it up to the attention of the Legislature so that we can pass it.

And also to include a larger group of people. It wouldn't just be limited to a small group. And basically we're here to just show our support for that resolution I think Legislator Kennedy might have brought forth or Caracappa. I'm not sure.

CHAIRMAN LOSQUADRO:

I appreciate it. Do you have any further comments?

MS. BAAKE:

No.

CHAIRMAN LOSQUADRO:

No. Legislator Kennedy.

LEG. KENNEDY:

Yes. Thanks, Mr. Chair. First of all, I'd to publicly thank both of these ladies for all their hard work with the Lake Ronkonkoma and Tri•Town Task Force. I've had the privilege, I guess, to be a part of that committee for the better part of a year. And they have actually accomplished quite a bit in a variety of areas.

As to the resolution specifically, they kind of identify that there are some things that we're trying to do right now. Myself, Legislator Caracappa, Legislator Alden are trying to go ahead and work with the composition of the resolution so that it more properly, I guess, encompasses what the actual makeup of the Tri•Town Committee actually is at this point.

Everybody acknowledges the importance of the intermunicipal agreements. And I know •• I think we've gotten some consent on the part of •• certainly on Brookhaven and, I believe, on the part of Smithtown as well. And, you know, we're doing what we can to try and work with Islip. I don't think that that's •• it's a task that we need to accomplish, but it's not precluding us from a lot of the good work that we've been able to do and, you know, look forward to continue to doing. So I know we should have a revised form of that resolution which hopefully we'll be filing in this next cycle. And then we'll look to go ahead and pull the resolution back out of the tabled subject to call status.

CHAIRMAN LOSQUADRO:

Thank you very much for coming down. As you can tell Legislator Kennedy is very on top of the situation. And as an attorney by practice, he's very well versed on the subject. So, again, thank you for coming down today.

MS. SCOLA:

Thank you.

LEG. BINDER:

Mr. Chairman?

CHAIRMAN LOSQUADRO:

Before we •• we have no other cards for the public portion.

LEG. BINDER:

Procedurally my concern is for 1733. There's only a tabling motion. You might want to just call if there's a motion. And if there's no motion or a second, then I think it'll fail for lack of a motion. But it shouldn't be past over.

CHAIRMAN LOSQUADRO:

The tabling motion on 1733 failed.

LEG. BINDER:

The tabling motion.

CHAIRMAN LOSQUADRO:

There was no ••

LEG. BINDER:

You didn't call for a motion.

CHAIRMAN LOSQUADRO:

There was no •• there was no motion to approve.

LEG. BINDER:

I'm just saying you should ask for a motion.

CHAIRMAN LOSQUADRO:

Is there a motion to approve on 1733?

LEG. BINDER:

Hearing no motion.

CHAIRMAN LOSQUADRO:

Hearing none, it fails. It fails for lack of a motion. Very well.

(Leg. Bishop entered the auditorium)

There were no further cards in the public portion.

LEG. BISHOP:

I'll make that motion, but it still fails.

CHAIRMAN LOSQUADRO:

It's already been called. But •• moot point. No further cards on the public portion. Anyone else wishing to be heard? Sir, did you have a card for the •• public hearing, I believe. I'll get to you in a moment. Seeing no one else in the public portion, public portion is closed and this is where the confusion came in earlier. I apologize. They were lumped together. The first two speakers Alpa Pandya and Chad Trvsnovec have already spoken on the public hearing. And I will just ask the clerk, we have a public hearing on **1727•05 adopting a local law to prevent the spread of invasive non•native aquatic plants in Suffolk County. Has everything been filed?**

MS. SULLIVAN:

Affidavits are •• duly •• yes, filed properly and the publications have been •• yes, they're done.

CHAIRMAN LOSQUADRO:

You got it out.

LEG. BINDER:

Yes, we're good.

CHAIRMAN LOSQUADRO:

Thank you. It's all legal is what that means.

LEG. BINDER:

All legal.

CHAIRMAN LOSQUADRO:

So Ms. Pandya and Mr. Trvsnovec have already spoken. We have a third card from Alex Chmielowski.

MR. CHMIELEWSKI:

Chmielewski.

CHAIRMAN LOSQUADRO:

I was pretty close. Figure with a last name like Losquadro, I'd do better. Please come forward, sir.

MR. CHMIELEWSKI:

My name is Alex Chmielewski. I'm representing the Wertheim National Wildlife Refuge, which is part of the Long Island National Wildlife Refuge Complex. It's a 2500 acre parcel along the Carmens River estuary. It's one of the most important developed estuaries on the south shore of Long Island. As far as recreational fisheries, it's a nursery area for both recreational and commercial fish species. It's used for hiking, nature study and canoeing by thousands of visitors a year.

We also support numerous state and federally listed threatened and endangered species. And it's a very important area for wintering and water fowl.

This new invasive species, _com bomba_ , which has been found in _Laurette_ Lake is just up stream of National Wildlife Refuge boundary. And obviously we're very concerned about this species spreading onto refuge lands.

I have seen other invasive species like water chestnut and _Eurasian Milfoil_ dramatically change the species composition of water bodies throughout New York State. And in addition to this (com bomba_ species, we have others that are looming on the horizon. DEC last month found four northern snakeheads •• it's an invasive fish •• in Queens. This fish will basically decimate other fish populations.

Another invasive species called Water Chestnut has been found in Nassau County, a small patch of it. I've seen this upstate completely cover lakes. It's an extremely aggressive plant. And following its take over, there's been a market decrease in fish and wildlife and recreational opportunities in these water bodies.

I encourage legislation to pass effective regulations to prevent the spread of these species as soon as possible. It is much easier and much less expensive to take care of the problem either before it starts or when it is first identified rather than to wait for these species to spread.

I also joined the Nature Conservancy in encouraging the Committee to develop an Invasive Species Task Force, again, as soon as possible. The quicker we take action, the more likely we'll be successful and the easier and less expensive it's going to be. Thank you very much.

CHAIRMAN LOSQUADRO:

Thank you, sir. Comments are appreciated. Anyone else wishing to be heard on the public hearing for 1727•05? Seeing no one, I'll make a motion to close. Yes?

MR. TRVSNOVEC:

I apologize. I know I did speak before. And it was ••

CHAIRMAN LOSQUADRO:

Would you like to be heard, sir?

MR. TRVSNOVEC:

Well, yes, I spoke once already and there was just a couple points that I wanted to make if that would be okay?

CHAIRMAN LOSQUADRO:

I guess we can let you reclaim your time. You weren't quite done. So, please, come back forward and just •• no, that's fine.

MR. TRVSNOVEC:

I apologize.

CHAIRMAN LOSQUADRO:

Just state your name again.

MR. TRVSNOVEC:

Okay. Yeah. My name is Chad Trvsnevec. I'm a resident of Yaphank and I'm a homeowner on the river •• on Yaphank Lake.

Two points that I did want to make sure before. In particular, my son here is 14•years old. I have lived on the river my entire life. And I remember as a kid, the recreation that we had from, you know, canoeing and fishing and even swimming off my dock. It is absolutely 100% non•existent any more. The river is completely unfishable during the summer. My son is an avid fisherman and it's completely gone during the summer months.

Also, I don't know how many of you read the Newsday article, but in regards to my dog, I have a seven•month old Labrador Retriever. And I live on a river. And I have to take her some place else to go swimming. And I just find that kind of sad. And I really hope that something gets done soon. That's about all. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. And growing up in Wading River, I used to fish on the lake quite a bit myself back in years gone by now unfortunately. So I certainly can sympathize. Thank you. Motion to close public hearing •• did I make a motion to close earlier? Yes. I made a motion to close, seconded by Legislator Binder. All those in favor? Opposed? **1727 is closed. (Vote: 6•0)**

Before we go to the presentation, Legislator Binder, did you have a request? We're going to go to the presentation by Laretta Fischer then. Would you like to make a motion?

LEG. BINDER:

Yes, I'd like to make a motion to approve 1725.

CHAIRMAN LOSQUADRO:

Well, there's a motion to take 1725 out of order by Legislator Binder, seconded by Legislator Kennedy. All those in favor to taking it out of order? It's a request of Legislator Binder. Legislator Binder has made a request. All those in favor? Opposed?

LEG. VILORIA•FISHER:

I'm opposed.

CHAIRMAN LOSQUADRO:

Opposed Legislator Viloría•Fisher. 1725 is before us. **1725•05, authorizing planning steps for acquisition under Suffolk County SOS Farmland Preservation. This is the Ellgreen Company property.** I apologize for taking this out of order and sort of putting you on the spot. If you could please come forward, Mr. Isles. I know this is something that we had not discussed yet.

LEG. BINDER:

Actually we have because it was under another program previously. And we were hoping to acquire it under •• I think it was Active Use Recreation. The owners, Delea Sod Farm, did not want it to go in that direction; were interested in having it as farmland development which would be, I think, a great thing in western Suffolk for us to do. I have basically •• oh, probably about eight years trying to get this purchase, but I think they're pretty close to ready to do that if we can go •• but to do an appraisal, we need a new resolution. And tell me if I'm too far off.

MR. ISLES:

No. I think you accurately recapped the history of this. It is an important piece in western Suffolk. It's about 21 acres of open space at the present time that's being farmed. There had been serious negotiations based on the current planning steps resolution to purchase it for active recreation. We met, Planning and Real Estate, as recently as this week actually with the owners. We're of the belief at this point that that's not something the owner is willing to do. This is a voluntary program. And the alternative then for a farmland acquisition, we think, is worthy of consideration. It's our belief that we might be able to do this under the current resolution in the sense that it does authorize full fee or lesser interest. So, we think that would

give us enough authority to proceed at the planning steps level. Eventually we will need an authorizing resolution. And we'll also need to bring this to the Farmland Committee. Just in my knowledge of the criteria, the Farmland Committee, I think, would rate pretty well. But we don't oppose this resolution per se but we feel that it's ••

CHAIRMAN LOSQUADRO:

I was going to say it's sort of a belt and suspenders approach.

MR. ISLES:

Yeah, we do feel this current resolution does do it as well.

CHAIRMAN LOSQUADRO:

Very well. So, we have a motion by Legislator Binder.

LEG. BISHOP:

Or redundancy in press release.

CHAIRMAN LOSQUADRO:

Motion by Legislator Binder.

LEG. BINDER:

The other resolution is mine also.

CHAIRMAN LOSQUADRO:

Seconded by myself. All those in favor? Opposed? **1725 is approved. Thank you. (Vote: 6•0)**

Ms. Fischer, I thank you for your patience. We will now go to a presentation on the Proposed Land Exchange Program pursuant to Suffolk County Code 102 in the Mastic Shirley Conservation area made, of course, by our very own Laretta Fischer.

MS. FISCHER:

We're here before you today to request your approval to conduct a land exchange in the Mastic Shirley Conservation area pursuant to section 102 of the Suffolk County Code The Land Exchange Law. In that law we are required to get your committee •• this committee's approval

for moving forward and doing appraisals of the properties and then we will come back to the Committee as well as the full Legislature with a resolution to finalize the land exchange if all parties are willing.

At this point we have •• you have in the packet letters that we are required •• we sent out letters to each of the Departments of Health, Parks, Real Estate and ourselves to evaluate both the properties that we are going to be surplussing and also the properties that we will be acquiring. And in your packet you will see that all departments have agreed that the two properties that we own that we're going to be surplussing are surplussed. They're in the relocation area, which we had identified as the area that could be developed and the properties that we identified that are privately owned right now and would be exchanged in the Mastic Shirley Conservation area. And it's been an area as probably many of you know that we've been trying to amass acquisitions and protect that wetland area for many years.

So, in looking at page •• the second page in your packet, it indicates to you there are two properties that we'll be acquiring in this exchange and two that we will be surplus or being disposed. They're approximately a half an acre each. Point four six and point three nine acres in total. And the individual who is •• who owns the private wetland environmentally sensitive properties is even willing to pay for the appraisals that would have to be done in order to evaluate all four properties, review the value. And generally the properties that are more valuable are the relocation area sites which are developable. And of lesser value generally are the properties that are wetland environmentally sensitive properties here.

So, we are anticipating that either the properties possibly might be of equal value or possibly the owner of the properties, the wetland properties might have to pay the difference in price of the appraisals.

So that's what we're looking at. I have a map showing those in relation to our narrow bay plan on the side here if you wish to •• me to show you them in relation to our plan and also other data that we collected in the narrow bay plan. But I know a lot of you are very familiar with that plan. And I don't want to waste any time. So, what we would like to suggest is if we could get a letter from the Committee to move forward to do the appraisals.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Mr. Kennedy.

LEG. KENNEDY:

Ms. Fischer, if I can, just one question, you talked about the fact that the parcels that we would be acquiring may have lesser value and the parcels we would be disposing of are of greater value because they are buildable lots; is that correct?

MS. FISCHER:

Yes.

LEG. KENNEDY:

Okay. The lots that we're looking to acquire you characterized as wetlands.

MS. FISCHER:

Yes, it's either wet or in the buffer area of the wetland in the area we have delineated as the conservation area. It also includes the ANV flood hazard zone area. And most of that area is depth to ground water less than five feet. So, it's a very vulnerable area along the shoreline; very close to the barrier beach in that area. And that was why we identified that area as very sensitive.

LEG. KENNEDY:

Which probably makes good sense. What is the likelihood that this owner would be able to obtain permits to construct on this wetland?

MS. FISCHER:

We're not sure at this time how far •• they would have to go through the town process. We're not sure what the success or non•success they've had in the future to move forward on them.

LEG. KENNEDY:

If it's wetlands, it's also governed by DEC?

MS. FISCHER:

That's correct.

LEG. KENNEDY:

Have we made any kind of contact or approach or looked at the likelihood that there would be a permit to construct? Sometimes where an owner has land that is •• let's face it, you know, marsh or wetland or has, you know, fragmities or whatever it is on it, the likelihood that they're ever going to be able to get a permit to construct is essentially nil.

MS. FISCHER:

It really depends on many factors that they look at. And one of the things is the size of the property, Health Department code. Many times they will allow them if this is, you know, the only piece of the land that they can develop •• I can't second guess them ••

LEG. KENNEDY:

Nor I would suggest that you can. And I know there is no hypothetical that takes the place of an actual permit application. However, on occasion, we at a government level are able to engage in a dialogue with either sister agencies or our own agencies to at least get a sense of the likelihood of the ability to issue a permit. Clearly without a permit, nothing will ever be able to be done with this land, I would imagine. The driver here is the likelihood that a permit to construct would be issued.

MS. FISCHER:

I think that would be evaluated in the appraisal process. We usually do that when we go through the appraisal process.

LEG. KENNEDY:

Okay. So, if that is going to be something that's taken into account, fine.

MS. FISCHER:

Yes.

CHAIRMAN LOSQUADRO:

Yeah, that is something that •• being a member of the Environmental Trust Review Board, I

have seen firsthand how the appraisal process has worked in just that fashion.

MS. FISCHER:

Yes.

CHAIRMAN LOSQUADRO:

So, no further questions. I thank you for the presentation. The next course of action will be to have a resolution presented before this body.

MS. FISCHER:

No, I need a letter from your Committee ••

CHAIRMAN LOSQUADRO:

Oh, okay.

MS. FISCHER:

•• moving us forward.

CHAIRMAN LOSQUADRO:

In reading here, it said we would like to proceed and submit an introductory resolution to present this land exchange. That's just in the body of this letter and then to the full Legislature.

MS. FISCHER:

That would be •• once we obtain the support of ••

CHAIRMAN LOSQUADRO:

Very good. Not a problem. So is that something ••

MS. FISCHER:

That's what we're looking for from you.

CHAIRMAN LOSQUADRO:

•• we will have to meet briefly in executive session for? Or is that something that you can just send to my office? Counsel?

LEG. BINDER:

You don't need an executive session.

CHAIRMAN LOSQUADRO:

No, I don't believe so. I just want to ask Counsel for her opinion because I know in Ways and Means we have to meet in executive session.

MS. KNAPP:

On this one, the committee is empowered to do this. I suppose a vote of the Committee asking whether or not you want to allow them to proceed to get to a resolution stage would probably be appropriate.

CHAIRMAN LOSQUADRO:

Very well. I will ask the Committee just to answer with a vote of in favor or opposed for us to proceed with this. And I will be happy to sign off on it as Chairman. So, all those in favor?

LEG. SCHNEIDERMAN:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I still have a couple of questions for Ms. Fischer. Is this •• this is a like kind exchange or we don't know if it's a like kind exchange until we do the ••

MS. FISCHER:

We don't know yet.

LEG. SCHNEIDERMAN:

So, as part of this, then, if it turns out that it looks like our piece is more valuable, that we would swap plus we'd be reimbursed?

MS. FISCHER:

Correct. Whatever the difference is •• if our property is less and there's is more, they would have to pay the difference.

LEG. SCHNEIDERMAN:

Okay. I just want to clarify that.

CHAIRMAN LOSQUADRO:

Very well. All those in favor? Opposed? Very well. Present me with that, I'll be happy to sign off on it. Okay. If Mr. Isles, Ms. Longer or if Ms. Zielinski is here, could please come forward, we'll move onto the agenda finally or the rest of the agenda I should say.

LEG. SCHNEIDERMAN:

I'd like to make a motion to take a couple of things out of order. Resolution •• okay, I'll wait until we're done with the tables.

CHAIRMAN LOSQUADRO:

Okay. **1109, adopting local law, Charter Law adopting the extension of the Smart Government Plan for Environmental Protection, for County Taxpayer Stabilization, Sewer Tax Stabilization.** Make a motion to continue. Motion to table by myself, second by Legislator Binder. All those in favor? Opposed? **1109 is tabled. (Vote: 6•0)**

1195, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund. This is the Richter's Orchard property in the Town of Huntington. Mr. Isles.

LEG. SCHNEIDERMAN:

I make a motion to discharge without recommendation.

MR. ISLES:

Okay. This has been before the Committee ••

CHAIRMAN LOSQUADRO:

We had a request from the sponsor. I appreciate your offer there. The sponsor wished to continue tabling this. And I know Mr. Isles won't disagree with that. Motion to table by myself, second by Legislator Bishop. All those in favor? Opposed? **1195 is tabled. (Vote: 6•0)**

1284, approving acquisition under Multifaceted Land Preservation Program. This is the Third Creek Woods property.

LEG. BINDER:

It was tabled.

MS. LONGO

No, this was tabled because it was incorrect. And it's still incorrect.

CHAIRMAN LOSQUADRO:

How is this still incorrect? It thought it mirrors the ••

MS. LONGO:

This resolution was tabled ••

CHAIRMAN LOSQUADRO:

Yes.

MS. LONGO

•• the last time.

CHAIRMAN LOSQUADRO:

Yes, I understand. But I thought it was amended, Counsel. This is 1284.

MS. KNAPP:

There is an amended copy on 1284 as of 5/6.

LEG. SCHNEIDERMAN:

Motion to approve.

LEG. BINDER:

Second.

MS. LONGO

I've got March 5th. This was in the back. It wasn't in my book. And it includes the Village. Okay. That has been amended.

CHAIRMAN LOSQUADRO:

Very well. We had a motion to approve by Legislator Schneiderman, second into Legislator Binder. All those in favor? Opposed? **1284 is approved. (Vote: 6•0)**

1298, authorizing planning steps for acquisition under SOS, Farmland Preservation and Hamlet Parks. This is the Coffey property in the Town of Smithtown.

LEG. KENNEDY:

Yes, Mr. Chair?

CHAIRMAN LOSQUADRO:

Yes.

LEG. KENNEDY:

I believe that Mr. Isles has had some additional correspondence and contact with Smithtown. The Department of Environment and Planning might have given some opportunity to go ahead and get a second look at the ratings associated with the property.

CHAIRMAN LOSQUADRO:

Mr. Isles.

MR. ISLES:

Yes, I was contacted by Mr. _Barnett_ who's the Director of Environmental Protection for the Town of Smithtown I believe at the request of Mr. Kennedy. And we had originally rated this parcel at, I think, four points on the County's rating system. It's a ten acre parcel in the Town of Smithtown, Hamlet of Nesconset at the intersection with Town Line Road. What Mr.

Barnett presented to me was additional information. Two points. One is that noting that it's in groundwater management zone one which under our rating form would give it a few extra points. And secondly they pointed out that there is a rare species on the property, which we have contacted and we have spoken with Smithtown on that. And it's an orchid species of some type although we can't confirm the exact type. Based upon that ••

CHAIRMAN LOSQUADRO:

That's some species. Is that species Chrysler or ••

MR. ISLES:

Yeah, that one looks •• that's another comment I was going to make, yeah.

LEG. SCHNEIDERMAN:

I think Legislator Kennedy planted it there.

MR. ISLES:

So, there are orchids on the property. But in terms of the rating, it comes to about a 15 in the rating system. So, it moved up from the four points, which is better. It's still less than our standard criteria of 25. So, it's certainly better than the initial review based on the information we had on that point. There is a dilapidated building on the property and a couple of dilapidated cars. Obviously ••

LEG. VILORIA • FISHER:

I hope it's not historic structures.

MR. ISLES:

I hope not. But those obviously would have to be taken into consideration if we were to go forward. So at this point it's a better proposal. It's not a great proposal. I believe Mr. Kennedy's point at a prior meeting was that it's a relatively developed area. And that although in the County's standard criteria, it would be a little bit below standard, in the context of the development that's occurred that •• anyway he made the point to me that it should be considered. But I will tell you it's 15 points. Our typical threshold is 25. If you have any questions, I'll try to answer those questions.

LEG. KENNEDY:

I'll make a motion to approve.

CHAIRMAN LOSQUADRO:

Motion by Legislator Kennedy, seconded by Legislator Binder. On the motion, Legislator Viloría •Fisher.

LEG. VILORIA • FISHER:

Legislator Kennedy, how close is this to the schools? I know the schools are on Southern Boulevard, right? But they're north of this?

LEG. KENNEDY:

Yeah, actually this property is quite a bit south. As a matter of fact, it is Southern Boulevard and Town Line Road. It's right on that corner. So it's a good half mile or so south of Great Hollow. That's the middle school.

LEG. VILORIA • FISHER:

Right, okay. I remembered my daughter playing field hockey there. And it was on Southern Boulevard. I just thought it would be nice to have it near a school. Maybe a stewardship partnership or ••

LEG. KENNEDY:

Which may be •• that's part of the dialogue that I actually did have with the Town. It really does represent probably one of the last privately held contiguous parcels in the Township of Smithtown. It's the same thing we're experiencing in all western towns. We're essentially built out.

CHAIRMAN LOSQUADRO:

There's a motion and a second. All those in favor? Opposed? **1298 is approved. (Vote: 6 •0)**

1467, authorizing planning steps for acquisition under SOS Farmland Preservation and Hamlet Parks Fund. This is the Mouallem? Mouallem? Yes, I'm going to make a

motion to table, seconded by Legislator Binder. All those in favor?

LEG. VILORIA • FISHER:

Is there a problem? I'm just curious why we're tabling it. Is there a problem with it?

CHAIRMAN LOSQUADRO:

I had received word that the sponsor wished to have this continued to be tabled.

LEG. VILORIA • FISHER:

Oh, it was the sponsor?

CHAIRMAN LOSQUADRO:

Yeah.

LEG. VILORIA • FISHER:

Oh, okay. Thank you.

CHAIRMAN LOSQUADRO:

Again, I don't know if the vote was officially called. All those in favor? Opposed? **1467 is tabled. (Vote: 6•0)**

1571, authorizing the acquisition of Westmoreland Farm, Town of Shelter Island. This is a 50/50 split.

MS. LONGO:

All right. We're still in negotiation with that one. We don't have a contact yet.

LEG. BINDER:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Binder, seconded by Legislator Kennedy. All those in favor? Opposed? Motion is tabled. **(Vote: 6•0)**

1617, approving Master List II and planning steps for environmentally sensitive land, farmland and recreationally important land acquisitions. I have a request from several colleagues who wish additional time to review this. Unfortunately we did have some time off. And being one of the only times that we were out of session, many people were on vacation, did not have time to adequately review this. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just two questions relating to it. One is there any particular parcels that are time sensitive in terms of doing planning steps that may be able to be pulled out and done as separate resolutions?

MR. ISLES:

Well, I would make the point that we have been consolidating various parcels that we've come across, that we've spoken to towns about and so forth. So when the County Executive asked us to do this earlier this year, we were doing that. We were consolidating pieces. I am concerned about •• obviously I respect the fact that you want to look at it more closely, but I would be concerned about an extensive delay because then it is going to potentially delay moving on those parcels. And I'd rather not have to start the whole process of splitting out those that are front burner, those that are back burner. So, in answer to your question, I think it would be a concern that there are some that are going to be necessary to move on.

LEG. SCHNEIDERMAN:

Two weeks.

CHAIRMAN LOSQUADRO:

I was just going to point out ••

MR. ISLES:

Two weeks is fine.

CHAIRMAN LOSQUADRO:

•• that this month we do have two cycles.

LEG. SCHNEIDERMAN:

My second question really had to do with in developing a list, did you consult with all the towns

in the development of the lists?

MS. FISCHER:

Yes.

MR. ISLES:

We did. Every municipality was consulted.

LEG. SCHNEIDERMAN:

Can I ask, since we already did a master list. And then we did a master farmland list. And now we have master list II. I mean typically I would not expect after you've done a master list so quickly to have an additional master list. So, I mean is this something •• is there going to be master list III and IV?

MR. ISLES:

There may be. The intent of the County Executive is •• his direction to the Department was that he wanted to have a focus list of acquisitions that were pre•approved for planning steps; that we can then proceed and go after as we did with the master list I.

LEG. SCHNEIDERMAN:

How are you making out with the master list I?

MR. ISLES:

The master list I is either just about completed. Everything's been contacted •• every parcel's been contacted. Either is •• either is well into the negotiation process or it's not a person of interest so •• property of interest, so we are ready to go into master list II.

LEG. SCHNEIDERMAN:

What about all those individual planning steps resolutions? Are they getting the same weight in terms of moving forward?

MS. LONGO

They move forward as soon they're passed here.

MR. ISLES:

Right.

MS. LONGO

The master list I, when it was approved, we sent interest letters out to everybody. And as they're coming in, you know, we're dealing with them. Anything that gets approved on a monthly basis, we send out immediately on a monthly basis as they get approved.

LEG. SCHNEIDERMAN:

Thank you.

CHAIRMAN LOSQUADRO:

I just had a point that I would like you to take into consideration during this two•week window that we have. I know I had passed a planning steps resolution that included multiple parcels that when put together would have made a very nice acquisition. And unfortunately we've received word that we have some that have already been acquired by other interests, some that are unwilling sellers. And now it would make sort of a disjointed acquisition. And I'll perfectly well admit it. It wouldn't make a very good acquisition at this point. And it's something that I'll recommend that, you know, we not put additional time and effort into looking to acquire those disjointed pieces.

My point in this is I view a master list as going after those really prime pieces. And in here I see several acquisitions proposed that would be large conglomerates of individual parcels. How would we plan to deal with that in putting the time and effort into planning steps for a master list if we were to run into a similar situation?

MR. ISLES:

Well, that's where we are. I'm sorry, sir.

CHAIRMAN LOSQUADRO:

You know, like the Southaven County Park edition on page 62, a whole slew of parcels. Are these things really worthy of being part of a master plan? I know it's a laudable goal to try to get them, but I've seen it in the past and, you know, if we run into a situation where we get hold outs or people who aren't willing to sell, I just don't know if these are things that really should be included in the master list.

MR. ISLES:

Right. That's a perfectly good question. We are at a different stage in the County's acquisition program than 10, 20 years ago. There are a few large parcels left that we can certainly seek to acquire and protect. But in many •• more and more cases we're dealing with the clean•up and mop•up. And in particular in this matter list II, a lot of that is taking watersheds where we do have substantial holdings by the County or other agencies. And they happen to be fragmented pieces, but as a system, as an environmental system, they are important.

So we think •• for example, we just talked a little bit with Laretta's presentation about the Mastic Shirley area, which is extremely important. We think we can make an extensive difference, but we acknowledge the fact we may get to the point on some of these pieces where we have to make that kind of decision where •• well, we're working on Mud Creek right now, which is also similar •• a conglomeration of parcels. We think it's worth it in terms of the interest we've had and the response in the market and so forth to proceed. And then down the road, five years, ten years, whatever the County may elect to come in and do condemnations on some these scattered pieces.

But we've have given that considerable thought with the master list II because a lot of this does deal with the small pieces. But the small pieces are related to larger County holdings. The Southaven County park piece, for example, we have extensive holdings that are •• obviously Southaven County Park is one, but also others. It buffers the park. We think it's worth proceeding. We think it's a valid question to be made. But that's where we are in County acquisition. Our average acquisition 10 years ago, 12 years ago is a hundred acres per acquisition. Our average acquisition per parcel is about ten acres right now. It's a fact of life with the development of Suffolk County. But these are as important in the sense of continuing to keep intact stream corridors, river corridors, watersheds and so forth that are important to Suffolk County.

CHAIRMAN LOSQUADRO:

Very good. Thank you for the explanation. And I encourage any of my colleagues who do have questions remaining to review this over the next two weeks so we can take action on it one way or the other.

MR. ISLES:

Mr. Chairman, we did send out the hamlet names, too.

CHAIRMAN LOSQUADRO:

Yes, and I wanted to thank you.

MR. ISLES:

So the Committee has that. If you need additional copies, we have that.

CHAIRMAN LOSQUADRO:

I know that has been something that has been a long standing request by many individuals. And I thank you for taking the time to point out which hamlets are in. It does make life much easier when looking through it for point of reference. So we have a ••

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

We did not have a motion yet? No second.

LEG. BINDER:

Second.

CHAIRMAN LOSQUADRO:

We had a motion to table by Legislator Schneiderman, seconded by Legislator Binder. All those in favor? Opposed? **1617 is tabled. (Vote: 6•0)**

LEG. VILORIA•FISHER:

And hopefully for only two weeks.

CHAIRMAN LOSQUADRO:

Hopefully.

MR. ISLES:

Mr. Chairman?

CHAIRMAN LOSQUADRO:

Yes.

MR. ISLES:

If I could just bring up one point. On resolution 1284, which was Third Creek Woods, we saw the corrected copy. We indicated that it was acceptable. We realized at this point it still doesn't include the role of the Village of Dearing Harbor. And so it doesn't appear to be correct.

LEG. BINDER:

Let him change it on the floor.

CHAIRMAN LOSQUADRO:

What's the role of the Village of Dearing Harbor?

MR. ISLES:

The Village of Dearing Harbor is a 25% partner in the acquisition.

CHAIRMAN LOSQUADRO:

Counsel.

MS. KNAPP:

There's a number of things you can do. You can certainly reconsider, keep it tabled here in Committee. You can allow it to move to the floor and table it at the full Legislature. And then it can be amended. Or the sponsor could ask for a CN to make the change. Any of those.

LEG. BINDER:

Mr. Chairman.

CHAIRMAN LOSQUADRO:

On the motion first Legislator Binder; then Legislator Vilorio•Fisher.

LEG. BINDER:

It would seem to me, we've put it out there and it's really not that big of change. It's just adding one piece. It has to be changed, but the one piece, it would seem to me that if the County Executive's interested in getting this done with some _SPED's_ and if it's out there, he can give it a CN with the one change in it. And this way we can get it passed on Tuesday. That'll be up to the County Executive and we'll just leave it out there.

CHAIRMAN LOSQUADRO:

Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Mr. Chair, since our next meeting is only two weeks hence, and our practice has been that when we don't have all of the other municipalities on board, we do table, keep it in committee and wait until it's whole and then move it out. I think that's just a cleaner way of approaching this. As you know, this has happened with resolutions that we've had that we've waited just another cycle for the Town of Brookhaven, for example, to have a resolution or any other municipality.

CHAIRMAN LOSQUADRO:

Well, in this case the other municipality is on board. The resolution just doesn't reflect that. They have expressed a willingness obviously to participate in this acquisition; correct?

MR. ISLES:

Yeah, there is a resolution. We also note, too, that it doesn't specify from what we can quickly see since we were just looking at this that, what sub•component of Multifacet, which I guess would be the Land Preservation Partnership, we feel that that probably should be a resolution. Here again, we're not trying to argue with the acquisition. We appreciate the support and so forth. But we just want to point these out to the Committee.

LEG. VILORIA•FISHER:

In answer to my question, was there a resolution in the municipality?

MR. ISLES:

Yes.

LEG. BINDER:

Everything is ready except for the ••

LEG. VILORIA • FISHER:

But that wasn't included in the •• and the program isn't listed in the resolution?

MR. ISLES:

Well, it's Multifaceted.

MS. FISCHER:

The sub•category isn't included.

LEG. VILORIA • FISHER:

I can't hear you, Laretta.

MS. FISCHER:

The sub•category under the Multifaceted was not identified and, therefore, it gives Parks a very hard time figuring out is this a land preservation partnership, is it open space, is it general parks? You know, environmental •• you know. So we do need that to direct us clearly.

CHAIRMAN LOSQUADRO:

Counsel?

MS. KNAPP:

If I'm not mistaken, isn't the title Multifaceted Land Preservation Partnership?

MS. FISCHER:

No. It's Land Preservation Program. And therefore •• and it's not •• it doesn't mean Land Preservation Partnership. Land Preservation Partnership is a separate program. It's listed as a sub•program in the Land Preservation Program. I know it's a little odd, but it really should be specified.

LEG. VILORIA • FISHER:

I don't think two weeks is a long time to wait to just clean it up.

CHAIRMAN LOSQUADRO:

I appreciate your concern. This was already approved. Do you wish to make a motion to reconsider it?

LEG. VILORIA • FISHER:

Yeah, and just table it for two tweaks so it's cleaned up.

CHAIRMAN LOSQUADRO:

We have a motion to reconsider. Do we have a second?

LEG. BISHOP:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Bishop. All those in favor?

LEG. SCHNEIDERMAN:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

If this is approved as it has been approved, it obviously can't be approved in this form when it gets to the floor. So it's going to have to wait. Either the County Executive's going to give it a CN or it's going to get tabled for the purposes of being amended. So, it makes no difference. I'm going to suggest that we just leave it alone. We've already passed it. It has no effect to table it now.

CHAIRMAN LOSQUADRO:

I would have to agree. Either way, it •• consider it tabled so I'll just call the vote. All those in favor of reconsideration? Opposed?

LEG. SCHNEIDERMAN:

Opposed.

LEG. BINDER:

Opposed.

LEG. KENNEDY:

Opposed.

CHAIRMAN LOSQUADRO:

Opposed. **4•2. Motion to reconsider fails.**

1622, authorizing the acquisition of farmland development rights under the Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund for the Dosiak property. And I believe •• Counsel, this was approved in another ••

LEG. BINDER:

No. Mr. Chairman? My guess is that Mr. Caracciolo probably •• I don't know if he even agreed to be on this one here. I think he had a different version.

CHAIRMAN LOSQUADRO:

Oh, that was the concern. I apologize. Legislator Caracciolo had a ••

LEG. BINDER:

I think we passed his version of it already; right? Motion to table subject to call.

CHAIRMAN LOSQUADRO:

Motion to table subject to call by Legislator Binder, seconded by myself. All those in favor? Opposed? **1622 is tabled subject to call.**

(Vote: 6•0)

1626, authorizing the acquisition of land under the first 1/4% Suffolk County Drinking Water Protection Program. This is the Pines property in the Town of Islip.

Mr. Isles, if you could refresh our memory on this.

MR. ISLES:

This is a proposed acquisition of a parcel about one-third of an acre a short distance from the Browns River corridor. At this point it has been •• it was reviewed by the Parks Trustees and not recommended for approval. We are reviewing a question in terms of jurisdiction of the Parks Trustees. It appears they do have jurisdiction under Section 12•3•C. But perhaps maybe one more cycle of tabling and we'll have a final answer for you at the next meeting.

LEG. BINDER:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Binder, second by Legislator Kennedy. All those in favor? Opposed? **1626 is tabled. (Vote: 6•0)**

1629 is already addressed.

1642, adopting a local law, Charter Law to promote non-political professional diverse County Planning Commission. Motion to table by Legislator Schneiderman, seconded by Legislator Binder. All those in favor? Opposed?

LEG. VILORIA•FISHER:

Opposed.

CHAIRMAN LOSQUADRO:

List Legislator Viloria•Fisher as opposed. Motion is tabled.

LEG. BISHOP:

I'm opposed.

CHAIRMAN LOSQUADRO:

Legislator Bishop opposed as well. That's why I did the momentary there. **(Vote: 4•2•0•0. Legislators Viloria•Fisher and Bishop opposed)**

1650, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Tuthill Point Estates property. This, I believe, is three parcels totalling approximately 27 acres. It's been amended. Motion by Legislator Schneiderman, seconded by Legislator Binder.

LEG. SCHNEIDERMAN:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion.

LEG. SCHNEIDERMAN:

In our last episode when we were here last time the question came up about there was a marina on the property. And would that be suitable for a County marina. So, I did meet on this property with Commissioner Foley who I don't believe is here. I don't see them. I don't know if he's communicated with the Planning Department, but he did very much like this piece of property and thought it could have County uses as an active park recommending that I switch at least two of the lots over to the Multifaceted Program, which •• Mea, is that how it's reflected now? Or the whole thing is Multifaceted?

MS. KNAPP:

We did definitely make the changes. And ••

LEG. SCHNEIDERMAN:

And this does have quite a high score, I believe, too, when it was reviewed.

MS. KNAPP:

This one was amended in this cycle so that two of the parcels are under the Multifaceted Program with the open space sub•component. And the third parcel is under the Greenways money, which is ••

LEG. SCHNEIDERMAN:

The Multifaceted one is for Active Recreational use.

MS. FISCHER:

Okay. So the entire thing is Multifaceted. And then you have two •• two in Open Space and one in Active Recreation.

LEG. SCHNEIDERMAN:

Two in active recreation •• the two small pieces. And then the one really big piece that includes the wetland ••

MS. FISCHER:

Keep it in Open Space.

LEG. SCHNEIDERMAN:

Would be in Open Space.

MR. ISLES:

I haven't seen the revised copy of the resolution, but the original Open Space review is 43 points. So, that was a high score. I can't speak for the Parks Department in terms of their review of the marina, but ••

CHAIRMAN LOSQUADRO:

Has the revised copy ••

MS. KNAPP:

It is Open Space under the Greenways.

CHAIRMAN LOSQUADRO:

Could you get a copy of this?

MS. KNAPP:

The large parcel. And the two smaller parcels seem to be under •• oh, I'm sorry. It's Open Space under Multifaceted.

LEG. SCHNEIDERMAN:

Is that Open Space under Multifaceted, does that program allow for the marina use?

MR. ISLES:

Multifaceted allows a number of different activities including park and open space. There is a component of active recreation. But Open Space itself under Multifaceted I don't believe would allow for marina use.

LEG. SCHNEIDERMAN:

The Multifaceted has to specifically say active?

MR. ISLES:

We're park purposes.

LEG. BINDER:

Does it matter for planning steps? This is a planning steps resolution.

MS. KNAPP:

I mean that's really the bottom line.

LEG. BINDER:

I mean you've said it before, I think ••

MS. KNAPP:

That is the bottom line. I mean I'm not sure if the right parcel ended up under the right one depending upon which one is which.

LEG. SCHNEIDERMAN:

The big piece is the Open Space piece. But only a portion of that is wetlands. Actually some of that is •• you know, if we don't buy this, it's going to be developed with about 40 units of condo even the piece that we're •• is the more environmentally sensitive piece.

MS. KNAPP:

All the more reason why the planning steps resolution really shouldn't lock in the program; because when you have a parcel that's 40 acres, you know, I don't think anyone who has not walked every inch of it knows whether there's wetlands on what part of it. So it's very important, I think, for the planning steps to be nothing more than a tool. And then once it's

determined which part should be in which program ••

LEG. SCHNEIDERMAN:

This one, you know, there's the imminent threat of development on. I feel the sense of the clock ticking. And it is a good piece for the County. No question about it. So if we can move it forward and maybe you can, you know, within the next •• if you could look at it before the general meeting and make sure you have the flexibility to •• on the planning steps resolution to acquire it as suitable to the intended purposes, it would be helpful.

MR. ISLES:

The thing with the planning steps is one, we need to know what program to charge the account to for the appraisals and things like that. So, we have to have some program. Secondly, with an active recreation as we do the planning steps, one thing we do is we work with a partner, whether it's a town, a village or a community organization. So, that's another part of wanting •
• it's helpful to know if it's an active recreation or not.

LEG. SCHNEIDERMAN:

Right. The marina certainly could be whether it was immediate or ten years down the road. It has the potential to be, I guess, the third County marina. I think there's two now.

MS. FISCHER:

I would suggest possibly putting this under Multifaceted parkland purposes. And then we can further delineate all the various uses in the future. Otherwise if you're really looking at it for active recreation on the marina and then open space for the other portion, you know, we're going to have to get involved with, you know, outreaching with the town and getting a partner and seeing what work they're going to do. So I would just suggest that as an alternative. And you know unless you really want to go the active recreation, then, I think we should specify that it's open space for the large piece and active recreation for the other two.

LEG. SCHNEIDERMAN:

Okay. I think •• Counsel, the planning steps resolution as it's written would allow the Planning Department to move forward; correct? And then we could •• if we need to •• when it's time to acquire it make •• clarify what funds are being used.

MS. KNAPP:

To the extent that you have planning steps under a particular program or appraisals and then later decide to acquire it, is there a mechanism •• and I'm sure that there is •• to move the dollars expended from one program to the other?

MS. FISCHER:

Well, if it's all within Multifaceted, I don't see a problem.

LEG. SCHNEIDERMAN:

Okay. Motion to approve.

CHAIRMAN LOSQUADRO:

Well, we had a motion and a second, I believe, Madam Clerk? All those in favor? Opposed?

1650 is approved. (Vote: 6•0)

1659, implementing Brownfield policy for Mackenzie Chemical Works site in Central Islip.

LEG. BISHOP:

Motion.

LEG. KENNEDY:

Second.

CHAIRMAN LOSQUADRO:

Motion to approve? Motion to approve by Legislator Bishop, seconded by Legislator Binder.

LEG. SCHNEIDERMAN:

I don't really know what it is.

MR. ZWIRN:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Mr. Zwirn.

MR. ZWIRN:

There's some concern with this property being more than just a Brownfields. It's a superfund site, I believe.

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

Legislator Bishop, would you like to say something?

LEG. SCHNEIDERMAN:

I just feel like we need a presentation on this.

LEG. BISHOP:

What's the concern? Have you done a phase I and phase II on this site?

MR. DAWYDIAK:

Walter Dawydiak, Chief Engineer for the Health Department. I'm here for Vito Minei. Our staff has looked through the file on this. This is currently an active federal and state superfund site. There are on-site soil vapor recovery systems operating. There's also an on-site plume migrating for which they've not identified a remedial technology. We're obviously in support of beneficial redevelopment of this property. We just want to make you aware that it might take some significant resources on the part of the County to finish the investigation.

If this goes commercial industrial in terms of reuse, you might be about talking tens of thousands. If you're looking for a residential reuse, it might be significantly more. Keep in mind that the superfund issues are mainly the major contamination issues to prevent off-site migration. It's a whole another series of efforts that need to be done to get this property actually reused.

The other thing to keep in mind that the odds of recovering monies via Brownfields are slim to none because the state's got a policy of not reinvesting Brownfields monies after they spent

superfund monies. So, again, I'm not passing judgement about whether this should be supported; just giving you some facts.

We got a County capital program dealing with Brownfields. We have the money. We can spend it here. But you should just be aware that it may be significant and we may not get it back.

LEG. BISHOP:

All right. Let me just give you the ••

CHAIRMAN LOSQUADRO:

I'm sorry. I just wanted to let Counsel comment on some of the language in the bill.

MS. KNAPP:

Well, I think that the question of whether or not it's ever going to be residential is answered in the bill itself in that it says that in the event that the County takes title to the property, that the County may make it available to the Town of Islip pursuant to a 72•H. So unless the Town decided that they wanted it for affordable housing purposes, it probably would not be used for residential.

I would point out also that this resolution doesn't require that the County acquire this property at any time. It simply says that if •• if we move to that point, then, the acquisition has to be by a duly enacted resolution of the Legislature. So that what it does is it really authorizes •• it authorizes some preliminary site investigation.

CHAIRMAN LOSQUADRO:

Yes.

MS. LOLIS:

Gail Lolis, Deputy County Attorney. The Committee should also be aware, and I've notified the sponsor about this, the EPA and the DEC has actually contacted our office. And we are discussing with them the possibility of acquiring this property under a different type of arrangement. It's something that I believe you've already done with the _Circatrom_ properties. I just don't know what the status of that is now. But this is something that's happened within the last month.

CHAIRMAN LOSQUADRO:

And I don't think this would necessarily preclude that from moving forward. As I read this, it authorizes a preliminary site investigation to identify the type and extent of contamination remaining at the site and the cost of remediation to do so. So I'm comfortable with the language in this resolution. Motion by Legislator Bishop, seconded by Legislator Binder. All those in favor? Opposed? **1659 is approved. (Vote: 6•0)**

1698 (amending the 2005 Operating Budget to transfer funds from 477 Water Quality Protection, amending the 2005 Capital Budget and Program and appropriating Funds in connection with the Frederick Canal Sediment and Water Quality Improvement Strategy), 1705 (amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund Reserve Fund "Sanitary Wastewater Reuse • Phase 1 STP Grounds on•site implementation and Phase 2 Golf Course off•site implementation) and 1708 (amending the 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection amending the 2005 Capital Budget and Program and appropriating funds in connection with wetland restoration at West Islip High School), I understand, Mr. Duffy ••

MR. DUFFY:

The applications have not been filed.

CHAIRMAN LOSQUADRO:

Applications have not been filed. I will make a motion to table 1698, 1705 and 1708 pending the receipt of those applications.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. All those in favor? Opposed? Motions are tabled. **1698, 1705 and 1708 are tabled. (Vote: 6•0)**

1715, further implementing the Suffolk County Water Quality Protection and Restoration Program. Is there a motion?

LEG. BISHOP:

No, we're supposed to have a meeting on this. It's a good bill but I'll table it.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Bishop, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **1715 is tabled. (Vote: 6•0)**

1719 has already been addressed as has •• onto Introductory Resolutions •• as has been 1724 and 25.

INTRODUCTORY RESOLUTIONS

LEG. SCHNEIDERMAN:

Motion to take 1742 and 1770 out of order.

CHAIRMAN LOSQUADRO:

If I can just take •• just hold on one second. 1727, I understand if I can just confer with Counsel, unfortunately I believe we need to table this.

MS. KNAPP:

The sponsor has asked me to table it because they're proceeding with the SEQRA process. It is an unlisted action so he wants ••

CHAIRMAN LOSQUADRO:

Motion to table by myself, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **1727 is tabled. (Vote: 6•0)**

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

If I can, I guess it truly is a freshman or rookie question on my part, I have one resolution that was tabled subject to call that has subsequently been amended. That's IR 1187, which actually

- I would like to call it in so that it can actually be considered because it does deal at this point
- so, I'm going to make a motion to recall that from Tabled Subject to Call with the Chair's permission.

CHAIRMAN LOSQUADRO:

Very well. **1187•05. It's authorizing acquisition of land under 1/4 percent Suffolk County Drinking Water Protection Program. This is the Gould's Pond property.** Motion by Legislator Kennedy, second by Legislator Binder.

LEG. VILORIA•FISHER:

Explain the change.

CHAIRMAN LOSQUADRO:

This is to call it out. This is to call it out. All those in favor? Opposed? 1187 is now before us. 1187 motion by Legislator Kennedy, second by Legislator Binder. On the motion, Legislator Kennedy, please.

LEG. KENNEDY:

The amendment to that bill has basically been to go ahead and take it and make it into an actual acquisition bill at this point. The current owners have agreed, I guess, as I understand it, to enter into an agreement or contract. We've worked extensively on this. And I guess I would defer to Chair if I'm missing anything, but I believe that's the sum and substance of the amendment.

MS. LONGO

The 1187 that I have here is a planning steps resolution.

LEG. BINDER:

We changed it.

LEG. KENNEDY:

It was amended. It was amended to actually be an outright acquisition.

MS. LONGO

Okay. I don't have the amended copy, then.

MR. ZWIRN:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Yes, Mr. Zwirn.

MR. ZWIRN:

We have seen the corrected copy. And the corrected copy •• there were competing bills here. There was the County Exec's bill •• and we have no quarrel with •• it's a good acquisition. We don't quarrel with how it's done. The only question I would have just as a technical question, it's a rookie question for me, when you ••

LEG. BINDER:

You're a rookie?

MR. ZWIRN:

Well, I'm a real rookie. But not respect to this bill, but when you do a corrected copy, is there •
• I mean when you go from a planning steps to an acquisition, is that within the framework of a corrected copy?

CHAIRMAN LOSQUADRO:

All of a sudden I'm a salty veteran. I'm going to have to defer to Counsel.

MS. KNAPP:

That has been an age•old question in this Legislature.

MR. ZWIRN:

At least it wasn't a stupid question.

MS. KNAPP:

Actually I feel very comfortable with this particular one because even though it did go from planning steps to acquisition, it isn't exactly the same parcel. The subject matter is substantially the same. You know, there are changes to it. There's no yes about it. But unlike some of our resolutions that have gone in dramatically different directions, this one is pretty much within the realm.

CHAIRMAN LOSQUADRO:

Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Along those same lines, and I had suggested this acquisition when I was •• when I thought I was the Legislator for that district because there were three of us sharing Lake Grove. And it bounced from me to Bill Holst to Joe Caracappa. So, I agree with this.

But my question with regard to substance of the changes, when we have a planning steps bill, it's seeking appraisals and all of those planning steps. Now how do we go from planning steps to acquisition? Have appraisals already been done? What is the status and how are we able to make that leap? Mr. Isles?

MR. ISLES:

Well, appraisals have been done. The County Executive has submitted a bill which is also before you which reflects the completion of this. It went through the Environmental Trust Review Board. The Division of Real Estate has negotiated an acquisition.

LEG. VILORIA•FISHER:

So, it would have been redundant to have another planning steps. Is that the reason? Okay. That answers ••

MR. ISLES:

And we have a contract.

LEG. VILORIA•FISHER:

Is that the reason? Okay. That answers •• I was just curious how we were going to fold the planning steps into the acquisition bill if we haven't done them.

MS. KNAPP:

Actually it does point out the original planning steps resolution was in 1999 and was under a completely different program. So that now the actual acquisition, I believe •• it's under a different program, isn't it?

LEG. VILORIA • FISHER:

You said that was '99 when I was a rookie and I thought it was my district.

LEG. KENNEDY:

Mr. Chair, but, again, I guess what I'll do is I'll pick up on Legislator Fisher's comments, when I came in as a rookie, this was one of the very first initiatives that I undertook out of my office. And what I did seek to go ahead and go through the planning steps, we were kind of •• maybe that was still part of my newness. But we have met with Mayor. We've done quite a bit of work out of the office and I'm happy at this point to make the motion to approve to acquire Gould's Pond.

CHAIRMAN LOSQUADRO:

Well, we had a motion and a second •• all right. We'll change that motion to approve by Legislator Kennedy, second by Legislator Vilorina • Fisher. All those in favor? Opposed? **1187 is approved. (Vote: 6 • 0)**

LEG. KENNEDY:

Thank you very much.

CHAIRMAN LOSQUADRO:

Congratulations, Legislator Kennedy.

LEG. KENNEDY:

Thank you.

CHAIRMAN LOSQUADRO:

1728, adopting local law, a Charter Law to professionalize the qualifications of the County Planning Commission and promote Smart Growth principals by revising the composition of the County Planning Commission. Request by the sponsor to table.

Motion to table by myself, seconded by Legislator Bishop. All those in favor? Opposed?

1728 is tabled as well. (Vote: 6•0)

1730, making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as Brick Kiln Creek property.

Motion by myself, second by Legislator Schneiderman. All those in favor? Opposed? **1730 is approved. (Vote: 6•0)**

1731, making a SEQRA determination in connection with the proposed improvements to water supply system at Cedar Point County Park, Town of East Hampton. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1732, making a SEQRA determination in connection with the proposed planning and construction phase of the improvements to Police Headquarters, CP# 3122. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1733 and 34 have already been addressed.

1741, authorizing planning steps for the acquisition of land under the Multifaceted Land Preservation Program. This is the Hawkins Avenue property, Town of Brookhaven.

MR. ISLES:

Mr. Chairman, Laretta Fischer is handing out an aerial photograph and a rating sheet for this property. What's outlined in the pink or the magenta color is a parcel that was previously approved in 2004 that is in the process of being considered for acquisition as a planning steps resolution.

What's outlined in green is the subject resolution before you today. The Planning Department has looked at this. And the first thing ••

CHAIRMAN LOSQUADRO:

Mr. Isles, I'm just going to make a request that we skip this one until we get to •• oh, I thought '99 would also be •• oh, that's of 2004. I'm sorry. I thought there are two together. I shouldn't have cut you off there. Please continue.

MR. ISLES:

That's okay. So anyway, our concern with this as you can see on the aerial photograph part of this property is woodland it looks like and part of it is a parking lot. We would imagine that the •• we're not sure when the sponsor's intent is. We would guess that it's to consolidate the parcels that are located in the undeveloped portion of the lot. And that in and of itself would make some sense but we just want to make it clear that it would be a partial acquisition, not an acquisition of the parking lot.

But then secondly we think it would be helpful to get an idea of what's intended here in terms of the park use. It's relatively small. It's not next to any other county open space. It could be a hamlet park or active park. It would be helpful if the sponsor could provide more information on that.

We did do a rating under the Active Recreation Program. And it came up with a point value of 13 based on the information available to us at this time. So our primary concern is to ensure that it's only a partial acquisition; not on the parking lot. And then that there be some sort of understanding as to what the plan is for this property whether there would be a partner involved and so forth and what the County should appraise.

CHAIRMAN LOSQUADRO:

What is the status of 1799•04?

MS. LONGO:

He's interested, but he wants to do the whole wooded area which would include both parcels.

LEG. SCHNEIDERMAN:

Okay. And the parking lot could be used in conjunction potentially ••

MS. LONGO

No, no, he wants to keep the parking lot.

LEG. SCHNEIDERMAN:

Oh, I was going to say then you could put in a ball field without having to put in parking.

MS. LONGO

No.

CHAIRMAN LOSQUADRO:

I make a motion to table to confer with the sponsor and see what the intention is. Motion to table by myself, second by Legislator Schneiderman. All those in favor? One moment, please.

MS. KNAPP:

Just so I'm clear on my questioning, the half acre that was proposed here, that half acre includes all this parking? That's only a half acre? Everything in green?

MS. LONGO:

(Shaking head yes)

MS. KNAPP:

It doesn't seem right. That's why I'm asking the question.

MR. ISLES:

Well, we can double check. We can't do it right now, but we can •• this was done by one of our planners to calculate the area.

MS. LONGO:

It's a very small piece of property.

MR. ISLES:

Doesn't give an acreage on this.

CHAIRMAN LOSQUADRO:

We'll have to •• again, this is something that's going to require some clarification because I sort of agree that does seem a bit more than half an acre there. So, we'll get some clarification in the next two weeks.

MS. LONGO:

No, I think that red parcel that you see there, that's a quarter of an acre. That's a hundred by a hundred on that map. So, the red parcel in the middle ••

MR. ISLES:

It's a very blown up scale.

MS. FISCHER:

Yeah, the scale is very large so ••

CHAIRMAN LOSQUADRO:

Again, we'll have take a look at it. So, we had a motion and a second to table. All those in favor? Opposed? **1741 is tabled. (Vote: 6•0)**

1742, authorizing planning steps for the acquisition of land under New Suffolk County Drinking Water Protection Program. This is the Capurso property, Town of East Hampton,

LEG. SCHNEIDERMAN:

I'll make a motion to approve. I'm sure Mr. Isles would like to ••

LEG. BINDER:

Second.

CHAIRMAN LOSQUADRO:

Motion by Legislator Schneiderman, second by Legislator Binder. Mr. Isles?

MR. ISLES:

Okay. Very briefly, Laretta Fischer is handing out an aerial photograph as well as a rating form. The acquisition •• proposed planning steps acquisition consists, I believe, a total of 12 parcels. As you can see in the aerial photograph, it adjoins state property known as Montauk Down State Park. Also indicated in the aerial photograph outlined in yellow are town•owned parcels. So, our point on this is, number one, the rating form we did came up with a point

value of 25 based on the information available thus far. We do make the comment, however, that this would appear to be best done as either a state or town or combined acquisition since they're the ones with ownership in this area at the present time. So, we're not arguing necessarily the acquisition to be a bad acquisition, but we do feel it's probably more appropriate at another level since we don't have any holdings currently and they do.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'd like to add to the general understanding of this piece of property. What you see in the yellow, those three lots, the largest lot there is a known and well documented Indian burial ground, a significant Native American •• what did I say? Native American burial ground. Also within the green lots, there's a very well documented site by Dr. Bernstein from Stony Brook, one of the largest habitation sites of Native Americans that's ever been found on Long Island occurred here. So, this is very important from archeological standpoint.

Secondly •• well, two things. One is that it is from the oral testimony on this property, and this goes back to years even when I was on the zoning board in East Hampton, there was significant testimony from the descendents of Montauk Indians, or Native Americans, whatever the right politically correct term is, that the burials extend well onto this property here.

It's also significantly wet. There are extensive wetlands through this property. So, I think the town •• I know one of the Town Council woman was very strongly supportive of seeing this preserved. I'm sure that the Town would be willing to partner with us on preserving this. I don't think that will be a problem. And I think if the Planning Department reviews the history on this property, I think that the rating will go up significantly from a cultural history perspective.

CHAIRMAN LOSQUADRO:

Very good. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Question to Legislator Schneiderman through the Chair. Have you sought partnership with both •• well, you've said you spoke with one Council woman. What about reaching out to the state

because it is rather large and it is contiguous to a state park.

LEG. SCHNEIDERMAN:

You know, I think we should approve the planning steps. It doesn't preclude us from getting partners here. And I would absolutely reach out to the state and the town to join us. In fact, we've done many acquisitions with the state and the town. I think it's highly likely that they would join us on this. Again, these lots are all fully subdivided, but they haven't been developed because of the complexity of getting a road here because of the archeological •• the archeological resources contained on this property.

CHAIRMAN LOSQUADRO:

All those in favor? Opposed?

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion.

LEG. BISHOP:

Ask the former Supervisor his perspective on this in that, it seems to me that just looking at the map and the area in detail, graph or map, which is at the bottom, it's a very densely red area, meaning that, as I understand it, there's a lot of development right around there; correct? Is that what the indicates?

MR. ISLES:

Those are lot lines. It's a lot of smaller lots.

MR. ISLES:

Yeah.

LEG. BISHOP:

And this is East Hampton and Montauk where there is •• there are large swaths of open space. And then there's a lot of areas that are more densely developed. And this is in the middle of one of those more densely developed areas. Given that the Legislator from that district has many, many proposals costing much, much money, wouldn't you prioritize this towards the bottom end of that list?

LEG. SCHNEIDERMAN:

Not at all. This property really should not be developed.

LEG. BISHOP:

What then goes on the bottom end of your list in your district?

LEG. SCHNEIDERMAN:

Well, you know, this is not a piece of property that ••

CHAIRMAN LOSQUADRO:

Hold on, hold on. Let's stick to •• let's stick to this.

LEG. BISHOP:

Well, no, because I mean there are so many dollars that ••

CHAIRMAN LOSQUADRO:

You're asking hypotheticals.

LEG. BISHOP:

•• could go to East Hampton and Montauk and so on and there are proposals that are going to be •• that you've asked for that are in the tens of millions of dollars.

LEG. SCHNEIDERMAN:

Small dry lots in neighborhoods. Right. First of all, this borders a golf course. This actually borders open space. These are not properties that are suitable for any municipal purposes, any affordable housing. These are extremely sensitive archeologically and environmentally •• they should be preserved. They should remain in a natural state. So, you know, I think I answered your question.

LEG. BISHOP:

Well, no, you haven't. Are there •• is there a priority list for Legislative District One or Two? You're Two, right? Caracciolo's One.

LEG. SCHNEIDERMAN:

This is a top priority.

LEG. BISHOP:

This is it? So when the other ones come, I can ••

LEG. SCHNEIDERMAN:

A top priority.

LEG. BINDER:

After this one, the other one will be at the top.

LEG. BISHOP:

All right. Because it seems to me that I've heard many speeches from this Legislator about how we need to have balance. We need to have some areas where there should be development. This is in the middle of a densely populated neighborhood or, you know, relatively for that area. And suddenly this jumps to the top of the list. It's like Pez.

LEG. SCHNEIDERMAN:

You can't tell from that red diagram anything. It's just too small of a scale. If you had a larger, you know, aerial of this, you would see there's significant open spaces in this area on both of the •• just to the north of it and to the south of it.

LEG. BISHOP:

As much as I want to join you in preserving the east end, I can't do it on every parcel because there's a limited amount of money. And I'm intuitively going to ••

LEG. SCHNEIDERMAN:

You don't see very many burial sites here. So, I'd just ask you to consider it.

LEG. BISHOP:

Is this a burial site? Is this listed as a burial site?

LEG. SCHNEIDERMAN:

It adjoins a burial site.

LEG. BISHOP:

It adjoins a burial site.

LEG. SCHNEIDERMAN:

And it's believed to contain burials.

LEG. BISHOP:

Well, my house adjoins a burial site. I have a cemetery two lots down. So, I'm not asking to preserve that.

LEG. SCHNEIDERMAN:

The archeology was never completed for presence of •• for the presence of burials on this property. But there's significant testimony that there are burials on this property.

CHAIRMAN LOSQUADRO:

David John Wayne Gacey Bishop.

LEG. VILORIA • FISHER:

I'd like to ask a question. Tom Isles, being that •• I'm looking at the blue lines which indicate that there are New York State freshwater wetland areas. How will that impact highest and best use? And I guess the appraisal numbers that will come in on this. Are these developable properties? Do you think the DEC •• the determination would be on these?

MR. ISLES:

Yeah, here again, it's hard to ••

CHAIRMAN LOSQUADRO:

I think that's calling for too much speculation.

MR. ISLES:

Yeah. It's hard to precisely say what that determination will be. I think it would have potentially an influence on the value that would have to be taken under consideration during the appraisal process. As Legislator Schneiderman said, there are also issues •• archeological issues on the property affecting road development as well as lot development. So, all of that would have to be weighed in. It would go before the Environmental Trust Board. I think it would have a slight dampening effect on the value potentially. Obviously there's substantial value with that. This is adjacent to the state golf course and so forth so that's going to be pushing it up.

CHAIRMAN LOSQUADRO:

Well, hopefully as Legislator Bishop pointed out so eloquently that things cost much, much money in Montauk and East Hampton, hopefully we can get this one for a bargain due to some of the mitigating factors. So, I will call the vote. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

CHAIRMAN LOSQUADRO:

Legislator Bishop is opposed. **1742 is approved. (Vote: 5•1•0•0. Leg. Bishop opposed)**

I have a request. Legislator Binder has been •• has been kind enough to stay as long as he possibly can, longer than he said he would be able. So, we have a request to take 1770 out of order. I know we've taken many items out of order today, but I will entertain this one last one. Motion to take 1770 out of order by myself, second by Legislator Binder. All those in favor? Opposed? **(Vote: 6•0)**

1770 is before us. Authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program. This is the 96 Meadow Lane, LLC parcel, Amsterdam Beach.

This is a 122.8 acres. Total purchase price of 16.5 million. Our share is 5.5 million. Seven million by the Town of East Hampton and four million by New York State. This is sort of a unique opportunity. We got everyone on board contributing so much money. Motion by Legislator Schneiderman, second by Legislator Vilorio•Fisher. All those in favor?

LEG. BISHOP:

Hold on. This is to commit how much?

CHAIRMAN LOSQUADRO:

\$5.5 million.

LEG. BISHOP:

Okay.

CHAIRMAN LOSQUADRO:

Out of 16.

LEG. BISHOP:

Out of which fund and what percentage of a fund does it draw down from?

LEG. BINDER:

Open Space.

CHAIRMAN LOSQUADRO:

This is by Multifaceted Land Preservation.

LEG. BISHOP:

What are you doing?

MS. LONGO

Multifaceted Land Preservation ••

LEG. SCHNEIDERMAN:

I would point out ••

MS. LONGO

•• Open Space component.

LEG. SCHNEIDERMAN:

•• that although it's not reflected, there is a million dollars in federal funds that are involved in this deal, which are going to the Town's \$7 million price.

LEG. BISHOP:

Okay. Multifaceted Land Preservation, right?

MS. LONGO

Right.

LEG. BISHOP:

And how much is in that fund?

MR. ISLES:

It's about \$29 million.

LEG. BISHOP:

Okay.

CHAIRMAN LOSQUADRO:

So, this will take it down to twenty three five?

LEG. BISHOP:

Okay.

CHAIRMAN LOSQUADRO:

All those in favor?

LEG. BISHOP:

Okay. And how much is •• I just want to get the broad perspective on the fund. Mr. Isles, cat got your tongue? I mean where are we at?

MR. ISLES:

No, I answered your question. The balance •• okay, the balance of the account as of June 30th is the latest date of my report here, is \$29 million. That is allocated for a number of different acquisitions that are in the works including this acquisition of Amsterdam Beach.

LEG. BISHOP:

Okay. This was accounted for when ••

MR. ISLES:

Absolutely, yes.

LEG. BISHOP:

Thank you.

CHAIRMAN LOSQUADRO:

Satisfied? Very well. Somewhat. All those in favor? Opposed? **1770 is approved. (Vote: 6•0)** Congratulations, Legislator Schneiderman. Wonderful congratulations to Real Estate and Planning. Very good work on putting together a very significant purchase for Suffolk County and for the residents of the east end. Okay.

(LEGISLATOR BINDER LEAVES THE MEETING)

1767, authorizing the acquisition of land under New Suffolk County Drinking Water Protection Program component. This is the Rawluk property, Town of Smithtown.
Legislator Kennedy.

LEG. KENNEDY:

Mr. Chairman, I'm going to make a motion to table on this. I have a bill that's filed that would seek to achieve the same outcome here. I also believe that there may be some technical differences with this one and the planning steps reso that was actually filed by my predecessor. So, I'd like to have them considered at the same time.

CHAIRMAN LOSQUADRO:

Very well. Motion to table by Legislator Kennedy, seconded by myself. All those in favor? Opposed? **1767 is tabled. (Vote: 5•0•0•1. Leg. Binder not present)**

1769, authorizing the acquisition of farmland development rights under the SOS Farmland Preservation and Hamlet Parks Fund for Baiting Hollow Realty, LLC property in the Town of Riverhead. This is nine and a half acres of land. The purchase price 456,000, I believe; is that correct?

MS. LONGO

That's correct.

CHAIRMAN LOSQUADRO:

I'll make the motion to approve, seconded by Legislator Vioria•Fisher. All those in favor? Opposed? **1769 is approved. (Vote: 5•0•0•1. Leg. Binder not present.)**

1771, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program, Open Space for the Dovalle Enterprises, Inc property. This is Mud Creek in the Town of Brookhaven. Ms. Longo.

MS. LONGO:

These are wetlands. And we've been doing a lot of work in Mud Creek. This is an important acquisition.

CHAIRMAN LOSQUADRO:

This is in addition yet another parcel in Mud Creek for \$40,000.

LEG. SCHNEIDERMAN:

Motion.

CHAIRMAN LOSQUADRO:

Motion by Legislator Schneiderman, second by Legislator Vioria•Fisher. All those in favor? Opposed? **1771 is approved. (Vote: 5•0•0•1. Leg. Binder not present)**

1772, authorizing acquisition of land (under the first 1/4% Suffolk County Drinking Water Protection Program. Gould's Pond property) Motion to table ••

LEG. SCHNEIDERMAN:

Table subject to call.

CHAIRMAN LOSQUADRO:

Table subject to call by Legislator Kennedy, second by Legislator Schneiderman. All those in favor? Opposed? **1772 is tabled subject to call. 5•0•0•1. Leg. Binder not present)**

Thank you very much. I was saying thank you very much to Planning and Real Estate.

CEQ RESOLUTIONS

We have a few CEQ resolutions to go through. I apologize, Jim, if we could just wait one moment. We did have a marathon there. Wait for one of our colleagues to return.

LEG. SCHNEIDERMAN:

Not to mention that without her we can't pass anything at this point anyway because we need four votes.

MR. BAGG:

It's not a problem.

CHAIRMAN LOSQUADRO:

We'll review these and then consider them after we review them all. So, **50•05, proposed SEQRA classification of legislative resolutions laid on the table on June 28, 2005.**

MR. BAGG:

Council's recommendations. Most of them Type II Actions.

CHAIRMAN LOSQUADRO:

51•05, proposed Old Field Farm County Park, adaptive Re•use of stable building, Trustees Road, Setauket, Town of Brookhaven.

MR. BAGG:

Council recommends that the project is a Type II Action. Simply restoration and rehabilitation

of existing building.

CHAIRMAN LOSQUADRO:

Very good. **52•05 proposed fencing materials for Suffolk County Department of Parks, Recreation and Conservation.**

MR. BAGG:

Council again recommends this is a Type II Action pursuant to SEQRA. It's simply the purchase of equipment for fencing at various needs in County Parks.

CHAIRMAN LOSQUADRO:

Very well. **53•05, proposed acquisition of land for Open space Preservation purposes known as Sagaponack Woods, Town of Southampton.**

MR. BAGG:

Council recommends that this is unlisted action pursuant to SEQRA. And they recommend a negative declaration because it's for passive park purposes open space preservation.

CHAIRMAN LOSQUADRO:

Very well. **54•05, proposed acquisition of land under open space preservation known as Mud Creek County Park, Town of Brookhaven.**

MR. BAGG:

Again, the Council recommends that it's an unlisted action and that it's a negative declaration because it's for park purposes passive recreation.

CHAIRMAN LOSQUADRO:

Very good. **55•05, proposed acquisition of land for Open Space Preservation purposes known as Gould's Pond, Town of Brookhaven.**

MR. BAGG:

Again, this an unlisted action. It's a recommended negative declaration. And the Legislature did pass, I believe, Legislator Kennedy's resolution. So, if the SEQRA terminology is in his resolution, you don't need a separate SEQRA relative to Gould's Pond.

LEG. KENNEDY:

I believe it is. I think. Thanks, Jim. I believe that when we had the amendment filed, as a matter of fact, Counsel was able to go ahead and embody the SEQRA determination, I believe.

CHAIRMAN LOSQUADRO:

So, do we need to pass this resolution as well then, 55•05? I'll defer to Counsel.

MS. KNAPP:

I believe that the resolution •• the introductory resolution mirrored this one exactly if I'm not mistaken. So that it would be redundant if you did both but certainly there would be no harm in doing both. They are exactly the same. You don't have to.

LEG. KENNEDY:

Might as well pass it.

CHAIRMAN LOSQUADRO:

Okay. **56•05, proposed CYS Boys and Girls Club, athletic fields and associated storage, maintenance and restroom facilities, Town of Brookhaven.**

MR. BAGG:

Basically this is a parcel of property that's currently under Parks' jurisdiction as well as general county use. They want to put recreational fields there. Council recommends that it's a Type I action because it involves more than the alteration of ten acres. They also recommend that it's a negative declaration. There's another number of qualifications in here. It does not appear to significantly threaten any unique or highly valuable environmental or cultural resources. The proposed site has been extensively disturbed due to sand mining and no significant habitats are affected, adequate natural and undisturbed buffers will be maintained between adjacent residential facilities and noted on the conceptual master plan. The wooded area in the eastern portion of the site will remain in its natural state and noted on the plan. Parking areas will be appropriately landscaped, which will be noted on the master plan. And in the contract final landscape plans will be approved by the Department of Parks. The parking area will have appropriate drainage structures and retain storm water run•off which will be approved by the

Department of Public Works. Compost/topsoil will be used to rehabilitate the soil for planting. The Parks Department organic maintenance standards and the county pesticide law will be adhered to. Existing road should be able to accommodate the projected traffic. And a traffic signal will be installed at the entrance and all necessary Town of Brookhaven permits obtained.

CHAIRMAN LOSQUADRO:

Thank you very much. **57•05, proposed improvements to water supply system at Cathedral Pines County Park, Middle Island, Town of Brookhaven.** This is an unlisted action.

MR. BAGG:

It's an unlisted action. Council recommends a negative declaration. It's simply bringing public water for a public parks.

CHAIRMAN LOSQUADRO:

58 •• is that a typo? It should be '05?

MR. BAGG:

Yes, it should be '05.

CHAIRMAN LOSQUADRO:

58•05, proposed improvements to water supply system at Prosser Pines County Park, Middle Island, Town of Brookhaven.

MR. BAGG:

That is the same thing. They're bringing in public water to the park, unlisted action, negative declaration.

CHAIRMAN LOSQUADRO:

Very good. Thank you, Mr. Bagg. Motion by Legislator Kennedy, second by Legislator Vilorio •Fisher on 50•05. All those in favor? Opposed? To approve. This is to approve and place on the consent calendar. All those in favor? Opposed? **50•05 is approved and put on the consent calendar. (Vote: 5•0•0•1. Leg. Binder not present)**

51•05, same motion, same second, same vote. Approved and on the consent calendar. (Vote: 5•0•0•1. Leg. Binder not present)

52•05, same motion, same second, same vote. (Approved on put on the consent calendar. Vote: 5•0•0•1. Leg. Binder not present)

53•05, same motion, same second, same vote. (Approved and put on the consent calendar. Vote: 5•0•0•1. Leg. Binder not present)

54•05, same motion, same second, same vote. (Approved and put on the consent calendar. Vote: 5•0•0•1. Leg. Binder not present)

55•05, we'll just pass this to make sure. Same motion, same second, same vote. (Approved and put on the consent calendar. Vote: 5•0•0•1. Leg. Binder not present)

56•05, same motion, same second, same vote. (Approved and put on the consent calendar. Vote: 5•0•0•1. Leg. Binder not present)

57•05, same motion, same second, same vote. (Approved and put on the consent calendar. Vote: 5•0•0•1. Leg. Binder not present)

58•05, same motion, same second, same vote. (Approved and put on the consent calendar. Vote: 5•0•0•1. Leg. Binder not present)

Those are all approved and placed on the consent calendar. No further business before us, meeting is adjourned. Thank you.

**(THE MEETING CONCLUDED AT 4:17 PM)
DENOTES SPELLED PHONETICALLY**